



~~January 17, 2006 CPC~~  
~~April 18, 2006 CPC~~  
~~May 16, 2006 CPC~~  
June 28, 2006 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0162

Yi Nan Chou  
and  
Wan Fen Chou

Bermuda Magisterial District  
11860 Iron Bridge Road

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3).

PROPOSED LAND USE:

Office and restaurant uses, as restricted by Proffered Condition 5, are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for mixed use corridor uses.
- B. The proposed zoning and land uses are not representative of, and compatible with, anticipated area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY

BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County proffers that the development of the property known as Chesterfield County Tax ID 776-653-9843-00000, (the "Property") under consideration will be developed according to the following conditions. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

In conjunction with this Rezoning application, the Applicant hereby makes the following proffers:

- (CPC) 1. Access. With the exception of a private driveway that serves the existing residence, direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to the issuance of a certificate of occupancy for any development or redevelopment on the property, as determined by the Transportation Department, the private driveway shall be removed. (T)
- (CPC) 2. Transportation. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
  - a. Prior to any site plan approval or within sixty (60) days of approval of this request, whichever occurs first, 100 feet of right-of-way on the south side of Route 10 measured from the centerline of the road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County
  - b. Prior to the issuance of a certificate of occupancy for any development or redevelopment on the property, as determined by the Transportation Department, an additional eastbound lane shall be constructed along Route 10 for the entire property frontage. (T)
- (CPC) 3. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (CPC) 4. Utilities. The public water and wastewater systems shall be used. The Owner-Applicant shall connect to the Piney Branch pump station when connection is available. The Owner-Applicant may continue to use the

(Proffered Condition 3). This will ensure adequate erosion control measures are in place prior to any land disturbance.

## PUBLIC FACILITIES

### Fire Service:

The Chester Fire Station, Company Number 1, and Medic 15 currently provide fire protection and emergency medical service (EMS). This request will not impact fire and EMS.

### Transportation:

The property is 2.7 acres located on the south side of Iron Bridge Road (Route 10) between Edenshire Road and Branders Creek Drive. The applicants are requesting rezoning of the property from Agricultural (A) to Community Business (C-3).

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on trip rates for a shopping center, development could generate approximately 2,900 average daily trips. Traffic generated by this development will initially be distributed along Route 10, which had a 2003 traffic volume of 33,345 vehicles per day between Lewis and Branders Bridge Roads. Based on the volume of traffic it carried during peak hours, Route 10 in this area was functioning at an acceptable level (Level of Service D).

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicants have proffered to dedicate 100 feet of right of way on the south side of Route 10 measured from the centerline of the road adjacent to the property in accordance with the Plan. (Proffered Condition 2a)

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). Access to major arterials, such as Route 10, should be controlled. The applicants have proffered that except for the driveway serving the existing residence, direct access from the property to Route 10 will be limited to one entrance/exit (Proffered Condition 1). The existing driveway would be removed prior to issuance of a certificate of occupancy for any development on the property.

The traffic impact of this development must be addressed. The applicants have proffered to construct an additional lane of pavement along Route 10 for the entire property frontage. (Proffered Condition 2b)

At time of site plan review, specific recommendations will be made regarding internal circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for mixed use corridor uses, such as professional, business, industrial and administrative offices.

### Area Development Trends:

The area is characterized by residential uses on acreage parcels and office and commercial uses to the east along the Route 10 corridor. The Plan anticipates this development pattern continuing, with the request property serving as a transition between commercial development to the east and increased residential development to the west. It should be noted, an application has been submitted to rezone adjacent property to the south, east and west to O-2, R-TH and C-3, respectively. This adjacent case is currently scheduled for public hearing at the March Planning Commission meeting.

### Development Standards:

The request property currently lies within the Emerging Growth Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas. If this request is approved, these development standards would apply.

### Architectural Standards:

In addition to Emerging Growth District Standards, proffers address architectural compatibility with future development to the south and east. (Proffered Condition 6)

### Uses:

At the request of the Bermuda District Commissioner, the applicant has agreed to limit uses to those permitted in the Corporate Office (O-2) District plus restaurant use. This would not include fast food or carryout restaurants. (Proffered Condition 5)

### Sidewalks:

At the request of the Bermuda District Commissioner, a sidewalk will be provided along Iron Bridge Road. (Proffered Condition 7)

## CONCLUSION

The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for mixed uses to include residential and office uses. The proposed zoning and land uses are not representative of, and compatible with, anticipated area development.

Given these considerations, denial of this request is recommended.

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## CASE HISTORY

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Planning Commission Meeting (1/17/06):

At the request of the applicants the Commission deferred this case to April 18, 2006.

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Staff (1/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 13, 2006, for consideration at the Commission's April 18, 2006, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (3/15/06):

An additional proffered condition was submitted. In addition, the applicant paid the \$130.00 deferral fee.

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Applicant (4/6/06):

A revised proffered condition was submitted.

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Planning Commission Meeting (4/18/06):

On their own motion, the Commission deferred this case to May 16, 2006.

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Staff (4/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than April 24, 2006, for consideration at the Commission's May 16, 2006, public hearing.

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Staff (4/24/06):

To date, no new information has been received.

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Applicant (5/12/06):

Revised and additional proffered conditions were received.

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Planning Commission Meeting (5/16/06):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation. There was no opposition present.

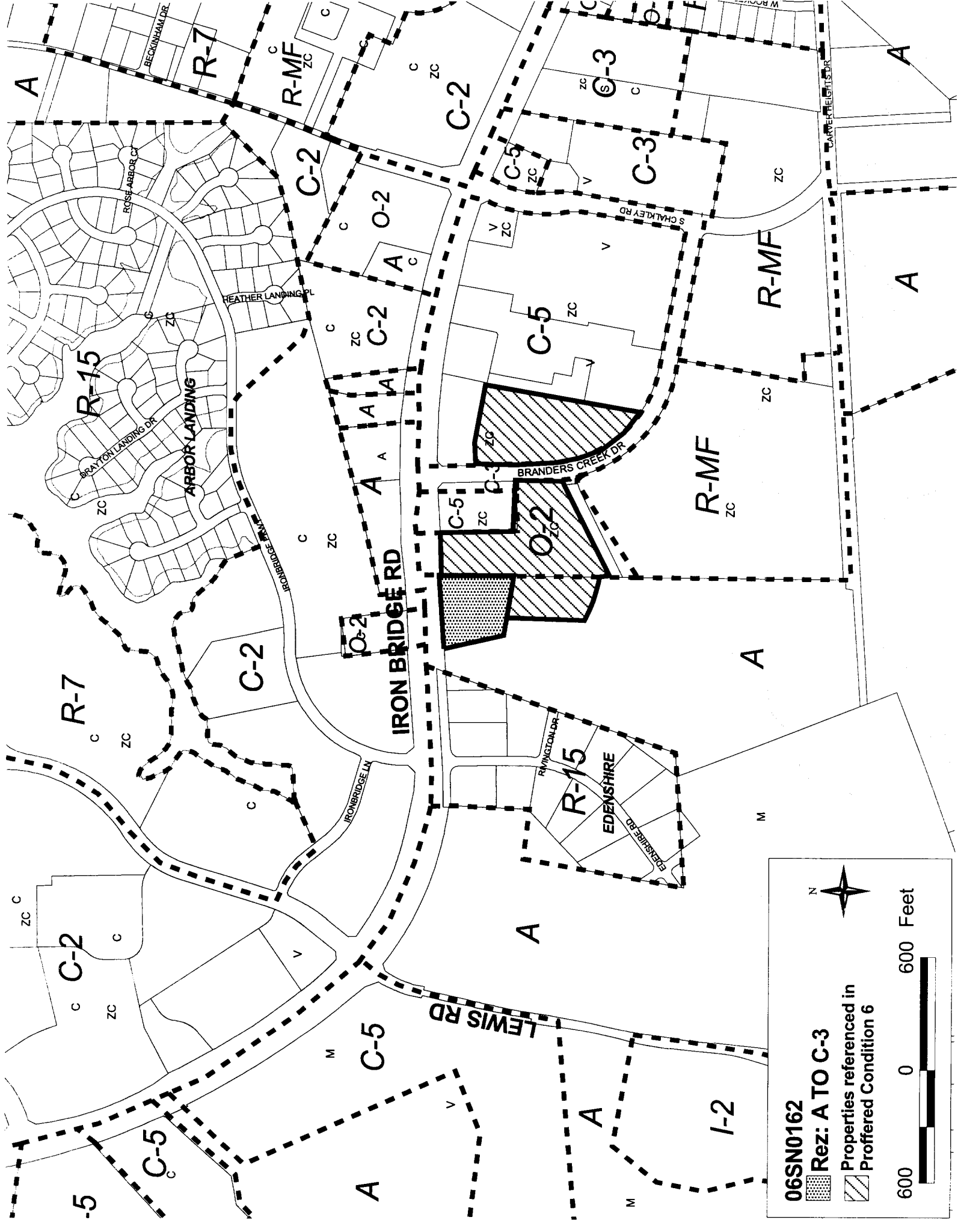
Mr. Wilson indicated the use restrictions were not a major deviation from the Plan recommendation and that restaurant use would serve the community.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

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The Board of Supervisors, on Wednesday, June 28, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0162

Rez: A TO C-3

Properties referenced in  
Proffered Condition 6

